



## Report to the Auburn City Council

Action Item

Agenda Item No:

5

City Manager's Approval

**To:** Mayor and City Council Members  
**From:** Lance E. Lowe, AICP, Associate Planner  
**Date:** September 24, 2012  
**Subject:** A Public Hearing to Consider adding Chapter 72.31 *et. seq.* of the Auburn Municipal Code entitled "Regulation of Mobile Food Vendors in the Public Right of Way." The proposed new chapter will establish standards for the operation of Mobile Food Vendors, in the Public Right of Way, in the City of Auburn.

### The Issue

Should the City Council adopt an ordinance amending the Auburn Municipal Code by adding Chapter 72.31 *et. seq.* to regulate Mobile Food Vending in the City's Public Right-of-Way?

### Recommended Motion (Approval)

Staff recommends that the City Council take the following actions:

- A. By Motion, introduce and hold a first reading, by title only, of an ordinance amending the Auburn Municipal Code by adding Chapter 72.31 *et. seq.* to regulate Mobile Food Vending in the Public Right of Way, which includes the following actions:
  1. Adoption of a Categorical Exemption prepared for the Mobile Food Vending Ordinance as the appropriate level of environmental review in accordance with Section 15311 (Accessory Structures) and Section 15304(e) (Minor Alterations to Land) of the CEQA Guidelines;
  2. Adoption of Findings of Fact for approval of the Mobile Food Vending Ordinance, as presented in the staff report; and,
  3. Approval of the Mobile Food Vending Ordinance as presented in this staff report.

### Background

During the last several years, the Community Development Department has had multiple inquiries regarding the establishment and operation of Mobile Food Vendors.

In review of the Auburn Municipal Code, with the exception of Section 159.033 (B)(11) for "outdoor vending and/or temporary sales not conducted within a building", and Section 72.07 entitled "Lunch Wagons, Eating Carts, Pushcarts and Transportation for Hire," there are no specific provisions for

Mobile Food Vending in the Public Right of Way (**Attachments 1 & 2** – Section 159.033 (B)(11) and Section 72.07 of the Auburn Municipal Code).

In consultation with the City Attorney and after conducting a brief survey of other jurisdictions, increased interest in the establishment of Mobile Food Vending facilities is occurring, considering the relative cost of establishing such a business vs. a “brick & mortar” restaurant.

Moreover, the California Vehicle Code (Section 22455) permits local authorities to adopt regulations for the public safety regulating vending in the street as follows:

**Vehicle Code 22455.** (a) The driver of any commercial vehicle engaged in vending upon a street may vend products on a street in a residence district only after bringing the vehicle to a complete stop and lawfully parking adjacent to the curb, consistent with the requirements of Chapter 9 (commencing with Section 22500) and local ordinances adopted pursuant thereto.

(b) Notwithstanding subdivision (a) of Section 114315 of the Health & Safety Code or any other provision of law, a local authority may, by ordinance or resolution, adopt additional requirements of the public safety regulating the type of vending and the time, place, and manner of vending from vehicles upon any street.

Accordingly, staff has prepared a draft Mobile Food Vending in the Public Right of Way for City Council consideration.

### **Project Description/Analysis**

The Mobile Food Vender Ordinance (**Exhibit A**)(§72.31 *et. seq.*) adds new provisions to the Auburn Municipal Code and amends Section 72.31 thereby codifying regulations for Mobile Food Vendors, in the Public Right of Way.

The proposed Mobile Food Vendor provisions codify operational standards necessary to assure that such facilities are situated appropriately with minimal impacts to surrounding properties; the public right of way; and, adhere with the minimum standards for the health, safety and welfare. To this end and in an effort to preserve the historical integrity of the Old Town and Downtown Historic Districts, Mobile Food Vendors would be precluded from operating in either of the City’s Historic Design Review Districts due to narrow streets, limited one-street parking and crowded sidewalks (**Attachment 3** – Old Town and Downtown Historic Design Review Districts).

As drafted, the proposed ordinance amends the City of Auburn Municipal Code by adding the following salient section headings: 1) Findings; 2) Authority; 3) Business License and Other Permits Required; 4) Sales from Vending Vehicles; 5) Locations Where Vending is Prohibited; and 6) Exceptions, as further described below:

#### **1. Section 72.31.010 Findings:**

The Findings Section provides the basis and rationale for adopting the Mobile Food Vendor Ordinance. Specifically, considering the lack of specific codified regulation currently, the proposed ordinance aims to provide operational regulations for Mobile Food Vendors in the

Public Right of Way to address potential public health, safety and welfare issues resulting from such facilities.

**2. Section 72.31.030 Authority:**

The Mobile Food Vending Ordinance is adopted pursuant to the authority granted to the City of Auburn by Section 22455 of the California Vehicle Code, which permits local authorities to regulate the type of vending and the time, place, and manner of vending from vehicles upon the street in order to promote the public safety.

**3. Sections 72.31.050 and 72.31.060 Business License and Other Permits Required:**

With the exception of the Historic Design Review District, as defined in Section 159.493 of the Auburn Municipal Code, Mobile Food Vendors may engage in Mobile Food Vending upon obtaining a business license from the City of Auburn and/or any other applicable law. The business license is reviewed by Placer County Environmental Health, City of Auburn Police, Fire, Public Works, and Planning for final approval(s) prior to issuance.

**4. Section 72.31.070 Sales and Vending Vehicles:**

Nine (9) operational provisions are proposed for Sales and Vending Vehicles. Such provisions will be imposed via the business license approval process as standardized operational conditions of approval:

- A. Vending vehicles must be brought to a complete stop and be lawfully parked adjacent to the curb consistent with Vehicle Code.
- B. A vending vehicle may park in the public right of way in one location for a maximum of one hour in each 24 hour period. It must be moved a minimum distance of 500 feet before it can be parked for vending purposes again.
- C. A vending vehicle must park parallel to a public sidewalk. Any window or vehicle element that serves customers must be facing the sidewalk.
- D. A mobile food vendor shall not serve customers adjacent to a public sidewalk under circumstances where the vendor, his equipment, and his customers obstruct passage of the public sidewalk for all users, including those with mobility disabilities.
- E. No signs may be placed in the sidewalk, street, parking spaces, or public right of way.
- F. Mobile food merchants operating a vending vehicle must provide or have garbage receptacles readily available for immediate use by customers of the vending vehicle.
- G. Mobile Food merchants operating a vending vehicle must pick up, remove and dispose of all garbage, refuse or litter consisting of foodstuffs, wrappers, and/or materials dispensed from the vending vehicle, and any residue deposited on the street from the operation thereof, and shall otherwise maintain in a clean and debris-free condition the entire area where mobile food vending is occurring.
- H. A vending vehicle must be parked so as to comply with the requirements of Health & Safety Code Section 114315.
- I. A vending vehicle shall be fully self-contained including, but not limited to: mechanical holding units, gas or electric cooking equipment, water tank and hand sinks.

**5. Section 72.31.080 Locations Where Vending is Prohibited:**

Mobile Food Vending may not take place in the Historic Design Review District as described in Section 159.493 of the Auburn Municipal Code (**Attachment 3**).

**6. Section 72.31.090 Exception**

Any mobile food merchants identified in an application for parades, marches, and assemblages or outdoor festivals, submitted pursuant to Chapter 91 and Chapter 92 respectively shall be exempt from the Mobile Food Vending Ordinance in the Public Right of Way provided that all of the following conditions have been met:

- A. The vending vehicle is parked no longer than the duration of the special event to conduct its business;
- B. The vending vehicle is parked so as to comply with the requirements of Health & Safety Code Section 114315; and,
- C. A City of Auburn Business License has been obtained prior to operation.

**Alternatives Available to Council; Implications of Alternatives**

Upon receiving public testimony, the City Council may choose the following alternatives:

- A. Introduce and hold first reading of the Mobile Food Vending Ordinance as presented;
- B. Introduce and hold first reading of the Mobile Food Vending Ordinance, as amended by the City Council; or,
- C. Provide further direction to staff.

**Environmental Determination:**

The Auburn Community Development Department reviewed this project for compliance with the California Environmental Quality Act (CEQA) and found it to be Categorically Exempt from the provisions of CEQA per Section 15311 (Accessory Structures) and Section 15304(e) (Minor Alterations to Land) of the CEQA Guidelines.

**Fiscal Impacts**

There are anticipated costs associated with review of business licenses for Mobile Food Vendors in the Public Right of Way. However, the collection of business license fees is anticipated to defray the costs associated with staff's review.

The staff costs incurred for the preparation of the draft ordinance, in consultation with the City Attorney, has been budgeted.

**Additional Information**

Please see the following attachments for more details:

**ATTACHMENTS –**

1. Section 159.033 (B)(11) Outdoor Vending and/or Temporary Sales
2. Section 72.07 of the Auburn Municipal Code Entitled Lunch Wagons, Eating Carts, Pushcarts and Transportation of Property for Hire.
3. Old Town and Down Town Historic Design Review District Map

**EXHIBIT –**

**Exhibit A –** Ordinance No. 12-\_\_\_\_ An Ordinance Amending the Auburn Municipal Code with Attached Mobile Food Vending in the Public Right of Way.



# ATTACHMENTS

(d) Grocery, meat, fish, poultry, fruit and vegetable stores; and

(e) Health food stores.

(3) Services:

(a) Answering services;

(b) Banks;

(c) Barber shops;

(d) Beauty parlors;

(e) Building materials stores (retail);

(f) Business offices;

(g) Commercial schools (secretarial, dance, business and the like);

(h) Dance halls;

(i) Laundromats;

(j) Laundry and cleaning agencies;

(k) Medical and dental offices;

(l) Pressing shops;

(m) Photographers;

(n) Professional offices;

(o) Real estate and insurance offices;

(p) Repair shops for shoes, radios, television sets and domestic appliances;

(q) Tailor shops;

(r) Taxicab stands; and

(s) Utility offices.

(B) The following uses shall be permitted in the Neighborhood Commercial (C-1) District subject to the approval of a use permit:

(1) Apartments and rental housing;

(2) Bowling alleys;

(3) Drive-in dairy products;

(4) Drive-in restaurants;

(5) Gasoline service stations;

(6) Living quarters in connection with an established commercial use;

(7) Nurseries and greenhouses;

(8) Taverns;

(9) Theaters;

(10) Churches and/or church-related uses;

(11) Outdoor vending and/or temporary sales of any product for private profit not conducted within a building (excepting those uses noted in division (C) below); and

(12) Outdoor seating with 13 or more seats in association with an existing eating establishment.

(C) The following uses shall be permitted in the Neighborhood Commercial (C-1) District subject to the approval of the appropriate special permit as set forth in §§ 159.475 *et seq.*

(1) Temporary outdoor sales in conjunction with special events may be authorized by the Community Development Director without necessity of a use permit.

**§ 72.06 WASHING AND POLISHING FOR CHARGES.**

No person shall wash, or cause to be washed, or polish, or cause to be polished any vehicle, or any part thereof, upon any street when a charge is being made for the service.

(1973 Code, § 4-4.1007) (Ord. 93-13, eff. 12-8-1993) Penalty, see § 10.99

**§ 72.07 LUNCH WAGONS, EATING CARTS, PUSHCARTS AND TRANSPORTATION OF PROPERTY FOR HIRE; PERMITS.**

(A) (1) No person shall stand or park on any street any lunch wagon or eating car or vehicle or any vehicle, wagon or pushcart from which goods, wares, merchandise, fruits, vegetables or foodstuffs are sold, displayed, solicited or offered for sale or bartered or exchanged, except that the vehicles, wagons or pushcarts may stand or park only at the request of a bona fide purchaser for a period of time not to exceed 10 minutes at any one location and then only after have secured a permit from the Traffic Engineer.

(2) The provisions of this section shall not apply to persons delivering the articles upon the order of, or by agreement with, a customer from a store or other fixed place or business or distribution.

(B) No person shall park or stand any vehicle or wagon used, or intended to be used, in the transportation of property for hire on any street while awaiting patronage for the vehicle or wagon without first obtaining a permit from the Traffic Engineer and the permit shall designate the specific location where the vehicle may stand.

(C) Whenever any permit is granted pursuant to the provisions of this section and a particular location to park or stand is specified herein, no person shall park or leave standing any vehicle, wagon or pushcart in any location other than designated in the permit.

(D) In the event such permittee is found to have violated any of the provisions of this section, the

permit shall be forthwith revoked by the Traffic Engineer upon the filing of information of such finding with the Traffic Engineer, and no permit shall thereafter be issued to the person until 6 months have elapsed from the date of the revocation.

(1973 Code, § 4-4.1008) (Ord. 93-13, eff. 12-8-1993)

**§ 72.08 TRAFFIC CONGESTION FROM ASSEMBLAGES AND OTHER FUNCTIONS.**

(A) Whenever the Traffic Engineer shall determine that an emergency traffic congestion is likely to result from the holding of public or private assemblages, gatherings or functions or for other reasons, he or she shall have the power and authority to order temporary signs to be erected or posted indicating that the operation, parking, or standing of vehicles is prohibited on the streets and alleys as the Traffic Engineer shall direct during the time the temporary signs are in place. The signs shall remain in place only during the existence of the emergency, and the Traffic Engineer shall cause the signs to be removed promptly thereafter.

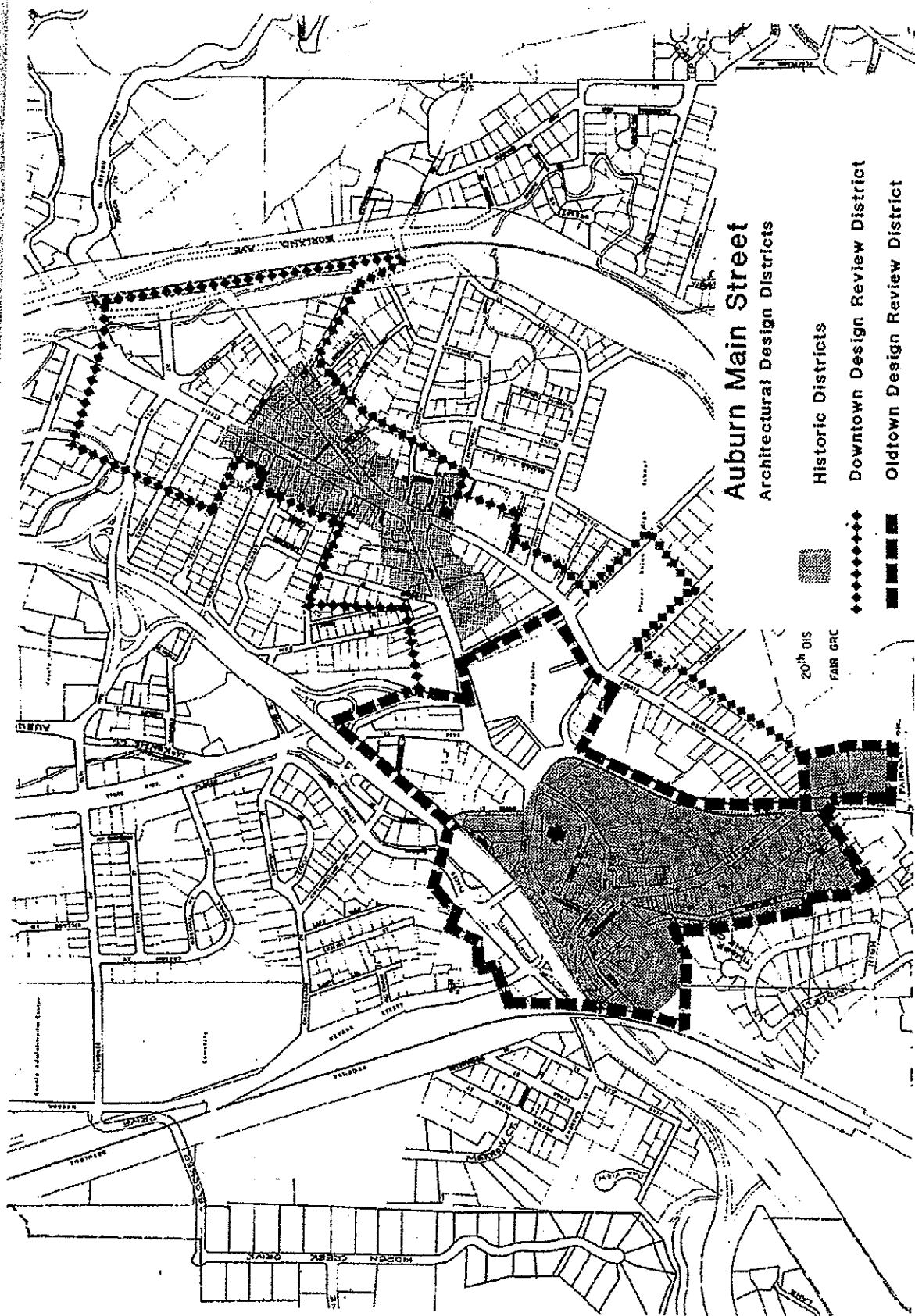
(B) When signs authorized by the provisions of this section are in place giving notice thereof, no person shall operate, park or stand any vehicle contrary to the direction and provisions of the signs. (1973 Code, § 4-4.1009) (Ord. 93-13, eff. 12-8-1993)

**STOPPING, STANDING, LOADING AND PARKING RESTRICTIONS**

**§ 72.20 CURB MARKINGS.**

(A) The Traffic Engineer is hereby authorized, subject to provisions and limitations of this chapter, to place and when required by the provisions of this chapter, shall place the following curb markings to indicate parking or standing regulations, and the curb markings shall have the following meanings:





# EXHIBIT



# EXHIBIT A

ORDINANCE NO. 12-\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN AMENDING  
THE AUBURN MUNICIPAL CODE TO REGULATE MOBILE FOOD VENDING IN THE  
PUBLIC RIGHT OF WAY

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THE CITY COUNCIL OF THE CITY OF AUBURN DOES ORDAIN AS FOLLOWS

**Section One: Findings.** The City Council of the City of Auburn hereby  
finds:

1. Mobile food vending has the potential to pose special dangers to  
the public health, safety and welfare of residents of the City that are not posed  
by restaurants or food vending from a permanent fixed location.

2. Vending vehicles parked in one location for more than one hour at  
a time in the public right of way exacerbate existing traffic problems in  
congested areas and obstruct sidewalks. There is an additional safety risk for  
pedestrians who may cross public roadways attempting to access the vendors.

3. Mobile food vendors who fail to park their vending vehicle  
correctly during a transaction may attract prospective buyers onto public  
roadways, creating additional traffic and public safety hazards.

4. Mobile food vendors use public spaces to serve food, and patrons  
typically consume that food in the same public space. Food from a mobile food  
vendor is usually served along with paper or plastic wrappings, utensils,  
napkins, and other associated implements that must be disposed of in the area  
of the vendor. Improperly discarded food and rubbish can pose a threat to  
public health by attracting vermin, and litter can create a hazard to drivers and  
pedestrians alike.

1           5. Mobile food vendors pose additional health and safety hazards  
2 compared to restaurants in a permanent fixed location because vending  
3 vehicles are not generally equipped with restrooms or hand-washing facilities.  
4 Food handling, preparation, and consumption can spread pathogens and  
5 disease when hand-washing facilities are not available to employees and  
6 patrons of food service businesses. When a restroom is not readily accessible  
7 to employees and patrons of a mobile food vendor, those individuals are more  
8 likely to use inappropriate outdoor spaces to urinate or otherwise relieve  
9 themselves, creating a serious health and safety hazard.

10  
11           6. Narrow streets, limited on-street parking, crowded sidewalks, and  
12 the related safety hazards identified above are all especially severe in the  
13 Historic Design Review District. Allowing mobile food vendors in that area of  
14 the City would pose an unacceptable threat to public health and safety, and  
15 would additionally be detrimental to the density, aesthetic, and cultural  
16 concerns of the City.

17           7. The City has an important and substantial public interest in  
18 providing regulations to prevent safety, traffic, and health hazards, as well as  
19 to preserve the peace, safety, and welfare of the community. Pursuant to  
20 Section 15001 of the California Environmental Quality Act (CEQA) Guidelines,  
21 this ordinance is Categorically Exempt from the provisions of CEQA per Section  
22 15311 (Accessory Structures) and Section 15304(e) (Minor Alterations to  
23 Land) of the CEQA Guidelines.

## 24           **Section Two: Code Amendments.**

25  
26           1. Chapter 72.31 is hereby added to the Auburn Municipal Code in the  
27 form attached hereto as **Attachment 1**.  
28

1           2. The title of section 72.07 of the Auburn Municipal Code is hereby  
2 amended to read:

3           "§ 72.07 PUSHCARTS AND TRANSPORTATION OF PROPERTY FOR HIRE;  
4 PERMITS."  
5

6           3. Section 72.07 paragraph (A) of the Auburn Municipal Code is hereby  
7 amended to read:

8           "(A) No person shall stand or park on any street any vehicle, wagon or  
9 pushcart from which goods, wares, or other merchandise are sold,  
10 displayed, solicited, offered for sale, bartered or exchanged, except  
11 that the vehicles, wagons or pushcarts may stand or park only at  
12 the request of a bona fide purchaser for a period of time not to  
13 exceed 10 minutes at any one location and then only after have  
14 secured a permit from the Traffic Engineer.  
15

16           (1) The provisions of this section shall not apply to mobile food  
17 vendors or vending vehicles regulated by chapter 72.31 of this  
18 Code.  
19

20           (2) The provisions of this section shall not apply to persons  
21 delivering the articles upon the order of, or by agreement with,  
22 a customer from a store or other fixed place or business or  
23 distribution.  
24

25           (B) No person shall stand or park on any sidewalk any vehicle, wagon  
26 or pushcart from which goods, wares, or other merchandise are  
27 sold, displayed, solicited, offered for sale, bartered or exchanged,  
28 for vending operations of any kind."

**Section Three: Effective Date.** This Ordinance shall take effect thirty days following its adoption as provided by Government Code Section 36937.

**Section Four: Severability.** Should any provision, section, paragraph sentence or word of this Ordinance be rendered or declared invalid by any court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Ordinance shall remain in full force and effect.

**Section Five: Certification.** The City Clerk shall certify to the passage and adoption of this Ordinance and shall give notice of its adoption as required by law.

DATED: September 24, 2012

Kevin Hanley, Mayor

ATTEST:

Joseph G. R. Labrie, City Clerk

I, Joseph G. R. Labrie, City Clerk of the City of Auburn, hereby certify that the foregoing ordinance was duly passed at a regular meeting of the City Council of the City of Auburn held on the 24<sup>th</sup> day of September 2012 by the following vote on roll call:

**Ayes:**

Noes:

Absent:

Joseph G. R. Labrie, City Clerk

## Chapter 72.31

### REGULATION OF MOBILE FOOD VENDORS IN THE PUBLIC RIGHT OF WAY

<b>Section 72.31.010</b>	<b>Findings.</b>
<b>Section 72.31.020</b>	<b>Authority.</b>
<b>Section 72.31.030</b>	<b>Definitions.</b>
<b>Section 72.31.040</b>	<b>Reserved.</b>
<b>Section 72.31.050</b>	<b>Business License Required.</b>
<b>Section 72.31.060</b>	<b>Other Permits Required.</b>
<b>Section 72.31.070</b>	<b>Sales from Vending Vehicles.</b>
<b>Section 72.31.080</b>	<b>Locations Where Vending is Prohibited.</b>
<b>Section 72.31.090</b>	<b>Exception.</b>
<b>Section 72.31.100</b>	<b>Severability.</b>

#### **Section 72.31.010 Findings.**

The City Council finds as follows:

- A. Mobile food vending has the potential to pose special dangers to the public health, safety and welfare of residents of the City that are not posed by restaurants or food vending from a permanent fixed location.
- B. Vending vehicles parked in one location for more than one hour at a time exacerbate existing traffic problems in congested areas and obstruct sidewalks. There is an additional safety risk for pedestrians who may cross public roadways attempting to access the vendors. Mobile food vendors who fail to park their vending vehicles correctly during a transaction may attract prospective buyers onto public roadways, creating additional traffic and public safety hazards.
- C. Mobile food vendors use public spaces to serve food, and patrons typically consume that food in the same public space. Food from a mobile food vendor is usually served along with paper or plastic wrappings, utensils, napkins, and other associated implements that must be disposed of in the area of the vendor. Improperly discarded food and rubbish can pose a threat to public health by attracting vermin, and litter can create a hazard to drivers and pedestrians alike.
- D. Mobile food vendors pose additional health and safety hazards compared to restaurants in a permanent fixed location because vending vehicles are not generally equipped with restrooms or hand-washing facilities. Food handling, preparation, and consumption can spread pathogens and disease when hand-washing facilities are not available to employees and patrons of food service businesses. When a restroom is not readily accessible to employees and patrons of a mobile food vendor, those individuals are more likely to urinate in inappropriate outdoor spaces, creating a serious health and safety hazard.

- E. Narrow streets, limited on-street parking, crowded sidewalks, and the related safety hazards identified above are all especially severe in the Historic Design Review areas of Auburn. Allowing mobile food vendors in those areas of the City would pose an unacceptable threat to public health and safety, and would additionally be detrimental to the density, aesthetic, and cultural concerns of the City as described in Title XV of this Code.
- F. The City has an important and substantial public interest in providing regulations to prevent safety, traffic, and health hazards, as well as to preserve the peace, safety, and welfare of the community.

**Section 72.31.020 Authority.**

Section 72.31 is adopted pursuant to the authority granted to the City of Auburn by Section 22455 of the California Vehicle Code, which permits local authorities to regulate the type of vending and the time, place, and manner of vending from vehicles upon the street in order to promote public safety.

**Section 72.31.030 Definitions.**

For the purposes of this chapter, the following phrases shall have the meaning respectively ascribed to them by this section:

- A. "Food" or "foodstuff" means and refer to any substance as defined by Section 113781 of the California Health and Safety Code, defined as a raw, cooked, or processed edible substance, ice, beverage, an ingredient used or intended for use or for sale in whole or in part for human consumption, and chewing gum.
- B. "Food preparation" means and refers to packaging, processing, assembling, portioning, or any operation that changes the form, flavor, or consistency of food, but does not include trimming of produce, as set forth by Section 113791 of the California Health and Safety Code.
- C. "Mobile food merchant" means and refers to any individual that operates or assists in the operation of a vending vehicle in the sale, display, solicitation or offer for sale, barter, exchange, gift or otherwise of foodstuffs from a vending vehicle.
- D. "Mobile food vending" means and refers to the sale, display, solicitation or offer for sale, barter, exchange, gift or otherwise, of foodstuffs from any vending vehicle.
- E. "Vending operations" means and refers to the sale, display, solicitation, offer for sale, barter, exchange, gift or otherwise of foodstuffs from a vending vehicle.
- F. "Vending vehicle" means and refers to any self-propelled, motorized device by which any person or property may be propelled or moved upon a highway, excepting a device moved exclusively by human power, or which may be drawn or towed by a self-propelled, motorized vehicle, or used exclusively upon stationary rails or tracks, from which foodstuffs are sold, displayed, solicited or



offered for sale, bartered, exchanged, given or otherwise.

**Section 72.31.040     Reserved.**

**Section 72.31.050     Business License Required.**

No person shall engage in mobile food vending or operate a vending vehicle within the corporate limits of the City of Auburn without first having procured a business license from the City of Auburn as stated in Chapter 33 of this Code.

**Section 72.31.060     Other Permits Required.**

All vending vehicles shall have displayed in a conspicuous place any permits required by this ordinance, or any other applicable law.

**Section 72.31.070     Sales from Vending Vehicles.**

- A. Vending vehicles must be brought to a complete stop and be lawfully parked adjacent to the curb consistent with Vehicle Code 22500 and the provisions of Title VII of this Code prior to initiating vending operations.
- B. A vending vehicle may park in the public right of way in one location for a maximum of one hour in each 24 hour period. It must be moved a minimum distance of 500 feet before it can be parked for vending purposes again.
- C. A vending vehicle must park parallel to a public sidewalk. Any window or vehicle element that serves customers must be facing the sidewalk.
- D. A mobile food vendor shall not serve customers adjacent to a public sidewalk under circumstances where the vendor, his equipment, and his customers obstruct passage of the public sidewalk for all users, including those with mobility disabilities.
- E. No signs may be placed in the sidewalk, street, parking spaces, or public right of way.
- F. Mobile food merchants operating a vending vehicle must provide or have garbage receptacles readily available for immediate use by customers of the vending vehicle.
- G. Mobile food merchants operating a vending vehicle must pick up, remove and dispose of all garbage, refuse or litter consisting of foodstuffs, wrappers, and/or materials dispensed from the vending vehicle, and any residue deposited on the street from the operation thereof, and shall otherwise maintain in a clean and debris-free condition the entire area where mobile food vending is occurring.
- H. A vending vehicle must be parked so as to comply with the requirements of Health & Safety Code section 114315.
- I. A vending vehicle shall be fully self contained including, but not limited to: mechanical holding units, gas or electric cooking equipment, water tank and hand sinks.

**Section 72.31.080     Locations Where Vending is Prohibited.**

Mobile food vending may not take place in the Historic Design Review District as described in section 159.493 of this Code.

**Section 72.31.090     Exception.**

Any mobile food merchant identified in an application for parades, marches, and assemblages or outdoor festivals, submitted pursuant to Chapter 91 and Chapter 92 respectively of this Code or any other City sponsored or approved event shall be exempt from the requirements of this Chapter pertaining to mobile food vending, provided that all of the following conditions are met:

- A. The vending vehicle is parked no longer than the duration of the special event to conduct its business; and
- B. The vending vehicle is parked so as to comply with the requirements of Health & Safety Code section 114315.
- C. A City of Auburn Business License has been obtained prior to operation.

**Section 72.31.100     Severability.**

If any section, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining sections, sentences, clauses, phrases, or portions of this Ordinance shall nonetheless remain in full force and effect. The City Council of the City of Auburn hereby declares that it would have adopted each section, sentence, clause, phrase, or portion of this Ordinance, irrespective of the fact that any one or more sections, sentences, clauses, phrases, or portions of this Section be declared invalid or unenforceable and, to that end, the provisions of this Section are severable.